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Docket No.: M500A-F112

10/517805

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Dated: December 5, 2005

Signature: \_\_\_\_\_

(Donald W. Wyatt)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Ernesto Menta et al.

Application No.: 10/517,805

Confirmation No.: 8932

Filed: December 10, 2004

Art Unit: N/A

For: DERIVATIVES OF CHROMEN-2-ONE AS  
INHIBITORS OF VEGF PRODUCTION IN  
MAMMALIAN CELLS

Examiner: Not Yet Assigned

**RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION**

MS Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the Notice to File Missing Parts of Application – Filing Date Granted mailed June 7, 2005, Applicant respectfully submits a Declaration, a Power of Attorney, a Statement Under 37 CFR 3.73(b), a Petition for Extension of Time, and Part 2 Copy of Notice.

Please charge our Deposit Account No. 031182 in the amount of \$1,145.00 covering the fees set forth in 37 CFR 1.17(a)(5) and 1.16(f). The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 031182, under Order No. M500A-F112. A duplicate copy of this paper is enclosed.

Dated: December 5, 2005

Respectfully submitted,

By \_\_\_\_\_

Donald W. Wyatt

Registration No.: 40,879  
CELL THERAPEUTICS, INC.  
501 Elliott Ave W  
Seattle, Washington 98119  
(206) 272-4243  
(206) 272-4397 (Fax)  
Attorney For Applicant

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PTO/SB/21 (09-04)

Approved for use through 07/31/2008. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE


Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL FORM</b>  <i>(to be used for all correspondence after initial filing)</i>	Application Number	10/517,805	
	Filing Date	December 10, 2004	
	First Named Inventor	Ernesto Menta	
	Art Unit	N/A	
	Examiner Name	Not Yet Assigned	
Total Number of Pages In This Submission	16	Attorney Docket Number	M500A-F112

**ENCLOSURES (Check all that apply)**

<input checked="" type="checkbox"/> Fee Transmittal Form  <input type="checkbox"/> Fee Attached  <input type="checkbox"/> Amendment/Reply  <input type="checkbox"/> After Final  <input type="checkbox"/> Affidavits/declaration(s)  <input checked="" type="checkbox"/> Extension of Time Request  <input type="checkbox"/> Express Abandonment Request  <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s)  <input checked="" type="checkbox"/> Reply to Missing Parts/Incomplete Application  <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s)  <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> Petition  <input type="checkbox"/> Petition to Convert to a Provisional Application  <input checked="" type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address  <input type="checkbox"/> Terminal Disclaimer  <input type="checkbox"/> Request for Refund  <input type="checkbox"/> CD, Number of CD(s) _____  <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC  <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences  <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)  <input type="checkbox"/> Proprietary Information  <input type="checkbox"/> Status Letter  <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Copy of Fee Transmittal (1 page) Copy of Response to Missing Parts (2 pages) Declaration (3 pages) Part 2 Copy of Notice (2 pages) Statement Under 37 CFR 3.73(b) (1 page) Copy of Assignment (1 page)		
<table border="1" style="width: 100%;"> <tr> <td style="width: 15%;">Remarks</td> <td>Transmittal Document (1 page) Facsimile Cover Sheet (1 page) Certificate of Transmission (1 page)</td> </tr> </table>			Remarks	Transmittal Document (1 page) Facsimile Cover Sheet (1 page) Certificate of Transmission (1 page)
Remarks	Transmittal Document (1 page) Facsimile Cover Sheet (1 page) Certificate of Transmission (1 page)			

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name	CELL THERAPEUTICS, INC.		
Signature			
Printed name	Donald W. Wyatt		
Date	December 5, 2005	Reg. No.	40,879

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Dated: December 5, 2005

Signature:  (Donald W. Wyatt)

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PTO/SB/17 (12-04v2)  
Approved for use through 7/31/2006, OMB 0651-0032  
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE  
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Effective on 12/08/2004. Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818). <b>FEE TRANSMITTAL</b> <b>For FY 2005</b>		<b>Complete if Known</b>	
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Application Number	10/517,805
		Filing Date	December 10, 2004
		First Named Inventor	Ernesto Menta
		Examiner Name	Not Yet Assigned
		Art Unit	N/A
<b>TOTAL AMOUNT OF PAYMENT</b> (\$) 1,145.00		Attorney Docket No.	M500A-F112


  

<b>METHOD OF PAYMENT (check all that apply)</b>	
<input type="checkbox"/> Check <input type="checkbox"/> Credit Card <input type="checkbox"/> Money Order <input type="checkbox"/> None <input type="checkbox"/> Other (please identify): _____	
<input checked="" type="checkbox"/> Deposit Account    Deposit Account Number: <u>031182</u> Deposit Account Name: <u>Cell Therapeutics, Inc.</u>	
For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)	
<input checked="" type="checkbox"/> Charge fee(s) indicated below <input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee	
<input checked="" type="checkbox"/> Charge any additional fee(s) or underpayment of fee(s) under 37 CFR 1.16 and 1.17 <input checked="" type="checkbox"/> Credit any overpayments	


  

<b>FEE CALCULATION</b>							
<b>1. BASIC FILING, SEARCH, AND EXAMINATION FEES</b>							
Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	
<b>2. EXCESS CLAIM FEES</b>							
<b>Fee Description</b>							<b>Small Entity Fee (\$)</b>
Each claim over 20 (including Reissues)							50
Each independent claim over 3 (including Reissues)							200
Multiple dependent claims							360
<b>Total Claims</b>		<b>Extra Claims</b>	<b>Fee (\$)</b>	<b>Fee Paid (\$)</b>	<b>Multiple Dependent Claims</b>		
=		x	=		Fee (\$)		Fee Paid (\$)
<b>Indep. Claims</b>		<b>Extra Claims</b>	<b>Fee (\$)</b>	<b>Fee Paid (\$)</b>			
=		x	=				
<b>3. APPLICATION SIZE FEE</b>							
If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).							
<b>Total Sheets</b>	<b>Extra Sheets</b>	<b>Number of each additional 50 or fraction thereof</b>	<b>Fee (\$)</b>	<b>Fee Paid (\$)</b>			
- 100 =	/50	(round up to a whole number) x	=				
<b>4. OTHER FEE(S)</b>							<b>Fees Paid (\$)</b>
Non-English Specification, \$130 fee (no small entity discount)							
Other (e.g., late filing surcharge): 2255 Extension for response within fifth month							1,080.00
2051 Surcharge-Late oath or declaration							65.00

<b>SUBMITTED BY</b>			
Signature		Registration No. (Attorney/Agent)	40,879
Name (Print/Type)	Donald W. Wyatt	Telephone	(206) 272-4243
		Date	December 5, 2005

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Dated: <u>December 5, 2005</u>	Signature:  (Donald W. Wyatt)



## UNITED STATES PATENT AND TRADEMARK OFFICE

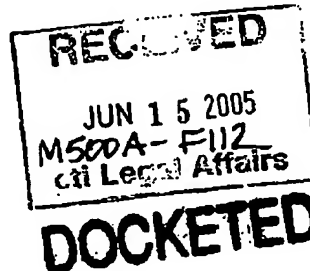
UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1430  
Alexandria, Virginia 22313-1430  
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/517,805	Ernesto Menta	M500-F112

INTERNATIONAL APPLICATION NO.
PCT/EP03/06191

LA. FILING DATE	PRIORITY DATE
06/12/2003	06/13/2002

32516  
DONALD W. WYATT  
CELL THERAPEUTICS, INC.  
501 ELLIOTT AVENUE WEST, #400  
SEATTLE, WA 98119



CONFIRMATION NO. 8932  
371 FORMALITIES LETTER  
\*OC000000016201777\*  
\*OC000000016201777\*

Date Mailed: 08/07/2005

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 12/10/2004
- Copy of the International Search Report filed on 12/10/2004
- Copy of IPE Report filed on 12/10/2004
- U.S. Basic National Fees filed on 12/10/2004
- Priority Documents filed on 12/10/2004
- Specification filed on 12/10/2004
- Claims filed on 12/10/2004

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Additional claim fees of \$900 as a small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.
- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date.

#### SUMMARY OF FEES DUE:

Total additional fees required for this application is \$900 for a Small Entity:

- Total additional claim fee(s) for this application is \$ 900

- \$900 for 36 total claims over 20.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.138(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

KAYA L LEWIS BALTIMORE

Telephone: (703) 308-9140 EXT 202

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/517,805	PCT/EP03/06191	M500-F112

FORM PCT/DO/EQ/805 (371 Formalities Notice)

10/517805  
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**FAX TRANSMISSION****DATE:** December 5, 2005**PTO IDENTIFIER:** Application Number 10/517,805  
Patent Number**Inventor:** Ernesto Menta et al.**MESSAGE TO:** US Patent and Trademark Office**FAX NUMBER:** (571) 273-8300**FROM:** CELL THERAPEUTICS, INC.

Donald W. Wyatt

**PHONE:** (206) 272-4243**Attorney Dkt. #:** M500A-F112**PAGES (Including Cover Sheet):** 16

**CONTENTS:** Fee Transmittal (1 page and copy; 2 pages total)  
Declaration (3 pages)  
Power of Attorney (1 page)  
Statement Under 37 CFR 3.73(b) (1 page)  
Copy of Assignment (1 page)  
Part 2 Copy of Notice (2 pages)  
Five Month Request for Extension of Time Under 37 CFR 1.136(a) (1 page)  
Response to Notice to File Missing Parts of Application (1 page & copy; 2 pages total)  
Transmittal (1 page)  
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**CELL THERAPEUTICS, INC.**  
501 Elliott Ave W, Seattle, Washington 98119  
Telephone: (206) 282-7100 Facsimile: (206) 272-4397

PTO/SB/97 (09-04)

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U. S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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Application No. (if known): 10/517,805

Attorney Docket No.: M500A-F112

**Certificate of Transmission under 37 CFR 1.8**

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on December 5, 2005  
Date

  
\_\_\_\_\_  
Signature

Donald W. Wyatt

\_\_\_\_\_  
Typed or printed name of person signing Certificate

40,879  
Registration Number, if applicable

(206) 272-4243  
Telephone Number

Note: Each paper must have its own certificate of transmission, or this certificate must identify each submitted paper.

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